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ORIGINAL

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

APR 24 2003

*10*  
at o'clock and 0 min. M.  
WALTER A. Y. H. CHINN, CLERK

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA, ) MAG. NO. 03-297 LEK  
                              )  
Plaintiff,              ) CRIMINAL COMPLAINT;  
                              )  
                              ) AGENT'S AFFIDAVIT  
                              )  
vs.                        )  
                              )  
DOUGLAS EDWIN RYCHENER, )  
                              )  
Defendant.                )  
                              )

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

That on or about April 22, 2003, in the District Of Hawaii, defendant DOUGLAS EDWIN RYCHENER, then being a convicted of a crime punishable by more than year, did possess in and affecting commerce a firearm, to wit: a Ruger .22 caliber semiautomatic rifle, bearing Serial Number 231-79542, in violation of Title 18, United States Code, Section 922(g)(1) and 924(a)(2).

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and that this complaint is based upon the facts set forth in the attached "Agent's Affidavit in Support of Criminal Complaint," which is incorporated herein by reference.

  
TY K. TORCO  
COMPLAINANT

Subscribed to and sworn before me on  
April 24, 2003, at Honolulu, Hawaii.

  
LESLIE E. KOBAYASHI  
UNITED STATES MAGISTRATE JUDGE  
District of Hawaii



AGENT'S AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

TY K. TORCO, after being first duly sworn on oath, deposes and says:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") assigned to District of Hawaii.

2. On April 23, 2003, Officers of the Hawaii County Police Department ("HCPD"), executed a search warrant at the residence of Douglas Edwin RYCHENER ("RYCHENER"), located from the intersection of Kukui Road and Ohai Road, .1 mile east, being the six house Makai, in the Na'alehu area, on the Island of Hawaii.

3. HCPD recovered, in a cabinet within a locked workshop area beneath the residence, an unloaded Ruger, model 10/22, .22 caliber semiautomatic rifle, bearing Serial Number 231-79542. Next to the rifle, HCPD also recovered a plastic .22 caliber rifle magazine, which contained eighteen (18) .22 caliber cartridges.

4. HCPD also recovered, in an "East Sport" brand, dark blue soft sided back pack located within the residence, RYCHENER's Hawaii Driver's license, an unloaded .22 caliber rifle magazine that fits the Ruger firearm described above, several mini-ziplock bags with crystalline residue (presumptive test positive for methamphetamine), and other drug paraphernalia.

5. RYCHENER identified and claimed ownership of the "East Sport" brand backpack. RYCHENER also had on his key chain the key that opened the padlock on the hasp that secured the workshop area door that led to the cabinet and the firearm.

6. A check with the Hawaii Criminal Justice Data Center revealed that RYCHENER has eight felony convictions and has been a convicted felon since January 28, 1991 and, thus, a prohibited person.

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7. The firearm and ammunition in paragraph three were manufactured outside the State of Hawaii, and thus traveled in interstate commerce.

FURTHER AFFIANT SAYETH NAUGHT

  
TY K. TORCO

This Criminal Complaint and Agent's Affidavit in support thereof were presented to, approved by, and probable cause to believe that the defendant above-named committed the charged crime found to exist by the undersigned Judicial Officer at 10:50 A.m. on April 24, 2003.

Subscribed to and sworn before me on April 24, 2003, at Honolulu, Hawaii.

Leslie E. Kobayashi  
LESLIE E. KOBAYASHI  
UNITED STATES MAGISTRATE JUDGE  
District of Hawaii